

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable James O. Browning

CASE NO. 19-CR-3113-JB

DATE: April 29, 2020

TITLE: USA v Padilla

COURTROOM CLERK: J. Wright

COURT REPORTER: R. Brazil

COURT IN SESSION: 8:25AM-10:38AM

TOTAL TIME: 2 HOURS; 23 MINUTES

TYPE OF PROCEEDING: MOTION to Detain *Motion to End Unconstitutional Conditions of Confinement* [208]

COURT RULING: INCLINED TO DECLINE. COURT WILL WRITE AN OPINION.

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Robert Goldaris

ATTORNEYS PRESENT FOR DEFENDANT(S):

Joe Romero

PROCEEDINGS:

8:25AM COURT IN SESSION; COUNSEL ENTER THEIR APPEARANCES; DEFENDANT APPEARS IN CUSTODY.

8:31AM DEFENSE ARGUES HIS MOTION.

8:59AM GOVERNMENT REBUTS.

9:08AM GOVERNMENT PLAYS TELEPHONE CALLS.

9:39AM GOVERNMENT CALLS DEPUTY GARY M^CCOY, USMS TO THE STAND; WITNESS SWORN.
GOVERNMENT BEGINS EXAMINATION.

9:48AM DEFENSE CROSS-EXAMINES

10:01AM COURT BREAKS AND STANDS IN RECESS; WITNESS REMAINS UNDER OATH.

10:17AM COURT RESUMES; GOVERNMENT RE-EXAMINES.

10:23AM COLLOQUY CONTINUES.

10:24AM WITNESS RELEASED.

10:24AM GOVERNMENT FINISHES THEIR REBUTTAL.

10:31AM MR. ROMERO REBUTS

10:38AM COURT IS INCLINED TO DECLINE THE MOTION ALONG THE LINES OF *FOLSE*. COURT ACKNOWLEDGES DIFFICULTIES REGARDING THE CURRENT CONDITIONS OUT AT CIBOLA COUNTY AND ADVISES THAT MR. ROBERT FROM AUSA PROVIDED AN EMAIL UPDATE REGARDING COMPUTERS WHICH READY FOR DELIVERY NEXT WEEK. COURT BELIEVES THE CONDITIONS IMPOSED ON MR. PADILLA IS NOT ANY DIFFERENT THAN OTHER DEFENDANTS IN THE CASE. COURT INQUIRES IF THE DEFENDANT WISHES TO OPEN A *BIVENS* ACTION AGAINST THE FACILITY OR USMS.

10:43AM DEFENSE STATES THEY WILL FILE A SEPARATE *BIVENS* ACTION.

10:46AM GOVERNMENT ASKS FOR TIME TO FILE A RESPONSE; COURT GRANTS.

10:48AM COUNSEL HAVE NOTHING FURTHER; COURT STANDS IN RECESS.